

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

JERRY DEAN BUTLER,
Plaintiff,

v.

Case No. 14-C-1270

CAROLYN W. COLVIN,
Acting Commissioner of the Social Security Administration
Defendant.

ORDER

Pro se plaintiff Jerry Butler seeks judicial review of an unfavorable decision from the Commissioner of the Social Security Administration. Ordinarily, a plaintiff must pay a statutory filing fee to bring an action in federal court, 28 U.S.C. § 1914(a), but plaintiff requests leave to proceed in forma pauperis. Under 28 U.S.C. § 1915(a), an indigent party may commence a federal court action, without paying required costs and fees, upon submission of an affidavit asserting inability “to pay such fees or give security therefor” and stating “the nature of the action, defense or appeal and affiant’s belief that the person is entitled to redress.” 28 U.S.C. § 1915(a)(1).

Plaintiff has filed the required affidavit. Upon review of that affidavit, the court is satisfied that he meets the requirements of § 1915(a). Plaintiff’s monthly income is limited to \$1328 in disability compensation, while he lists monthly expenses of \$1330. He owns a nine year old car but no other valuable property, and he has no cash on hand. Finally, plaintiff avers that he believes he is entitled to the relief sought in the complaint, and on review of the complaint the court is at this point unable to determine that the action is frivolous or that the complaint fails

to state a claim.¹

THEREFORE, IT IS ORDERED that plaintiff's petition to proceed in forma pauperis (R. 2) is **GRANTED**. The file will be returned to the Clerk of Courts for service on defendant.

Plaintiff is advised to provide defendant or her counsel with copies of all future motions or papers filed by plaintiff in this action.

Dated at Milwaukee, Wisconsin this 20th day of October, 2014.

/s Lynn Adelman
LYNN ADELMAN
District Judge

¹Although the complaint is unclear, plaintiff seems to be challenging the disability onset date selected by the Commissioner.